



Atty. Dkt. No. 033337-0132

#7
ref
1-30-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John MELLERT et al.
Title: Methods For Reliable Communication
Of Link Monitoring Information In
Optical Communications Networks
Appl. No.: 09/927,441
Filing Date: 08/13/2001
Examiner: Unassigned
Art Unit: 2633

RECEIVED

JAN 23 2003

Technology Center 2600

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Commissioner for Patents
Washington, D.C. 20231

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits, within three (3) months of the mailing date of the foreign search report, and within thirty (30) days of receipt of the foreign search report.

RELEVANCE OF EACH DOCUMENT

Any document listed on the attached PTO/SB/08 was cited as being relevant during the prosecution of the corresponding International application. A copy of the International Search Report is attached setting forth the portion of each document considered relevant by the examiner. A copy of U.S. Patent No. 6,134,032 cited in the International Search Report was submitted with an Information Disclosure Statement filed February 11, 2002; therefore this reference is not being submitted herewith.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date 1/22/03

By George C. Beck

FOLEY & LARDNER
Customer Number: 22428



22428

PATENT TRADEMARK OFFICE

Telephone: (202) 945-6014
Facsimile: (202) 672-5399

George C. Beck
Attorney for Applicants
Registration No. 38,072